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RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Norman P. Formo

Attorney Docket No. FPMI114707

Application No.: 09/520,947

Group Art Unit: 1761

Filed: March 8, 2000

Examiner: Robert A. Madsen

Title: DOUBLE BAGGING SYSTEM

TRANSMITTAL LETTER FOR REQUEST FOR RECONSIDERATION
AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

September 19, 2002

TO THE COMMISSIONER FOR PATENTS:

A. Response Transmittal

Transmitted herewith is a supplemental response in the above-identified application.

No additional claim fee is required, as shown below.

COMPUTATION OF FEE FOR CLAIMS AFTER RESPONSE

	Claims Remaining After Response	Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total Claims	11	-	24	= 0 x 9 =	-0-
Independent Claims	2	-	5	= 0 x 42 =	-0-
Total Additional Fee					-0-

B. Additional Fee Charges or Credit for Overpayment

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 03-1740. This authorization also hereby includes a request

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for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application. A copy of this sheet is enclosed.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Ward Brown
Registration No. 28,400
Direct Dial No. 206.695.1716

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on the below date.

Date: Sept. 19, 2002 Cindy A. Rortan

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RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1700 8-02
10/16/02
CNE #11
JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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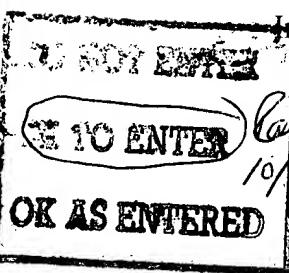
REQUEST FOR RECONSIDERATION

September 19, 2002

TO THE COMMISSIONER FOR PATENTS:

For the reasons discussed below, reconsideration of the Office Action dated June 19, 2002, and the Advisory Action dated August 30, 2002, in the above-identified application, is respectfully requested.

In the Advisory Action the Examiner submits:



McEachen is relied for teach[?] a package with a perforated end to access bread held within the package, wherein the package is a *bag* filled with bread wherein the bag has a perforated end for accessibility. Morris teaches package [?] with a perforated end to access bread held within the package, wherein the package is a wrapper. Since both teach a *package* with a perforated end that provides access to the bread held inside, one is substituting one method of *forming*, with respect to claim 25, or one *type of*, with respect to claim 32, a bread package for another with the same feature: a perforated accessible end.

As to other secondary references, the Examiner states:

Theed teaches a conventional method of sealing bread to protect the bread during storage. Theed teaches shrink-wrapping to kill bacteria. Thus, one would be motivated to combine this feature [?] since it is desirable to have minimal microbial problems with the bread.

Even if these positions of the Examiner are accepted, there is no disclosure or suggestion within these references of an important feature of Claims 25 and 32. Applicant's inner bag is preformed

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with a closed end and an open end. The loaf is fed through the open end, after which that end is "closed." Thereafter, the inner bag and enclosed loaf are inserted through an open end of a preformed outer bag. This insertion is accomplished by inserting the inner bag with its initially open end first through the open end of the preformed outer bag. The initially open end of the inner bag is adjacent to the *closed end* of the outer bag. The *closed end* of the outer bag is *not configured for opening by a consumer*. The resulting package has the closed end of the inner bag adjacent to the open end of the outer bag.

Counsel for applicant has considered the references in the Examiner's statements quite carefully, and fails to see how the references could suggest a package in which the closed end of the preformed inner bag is placed adjacent to the open end of a preformed outer bag, and the initially open end of a preformed inner bag is placed adjacent to the closed end of a preformed outer bag, the closed end of the outer bag not being configured for opening by a user. It should be noted that applicant's claims require preformed inner and outer bags, each preformed bag having an open end and a closed end. The known systems suggest placing the open ends adjacent to each other, whereas applicant's invention runs contrary to the conventional teaching and places the open end of the inner bag adjacent to the closed end of the outer bag, despite the fact that the closed end of the outer bag is not configured for opening by a consumer.

Thus, if all of the Examiner's statements are accepted, the following aspects would be disclosed by the references:

- McEachen: a single bag having an openable end and a perforated end, for access to a loaf at both ends;
- Morris: an inner wrap sealed at both ends and an outer preformed bag having a closed end and an open end, the inner wrap having perforations so that it may be opened;
- Theed: a shrink wrap inner bag.

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Following the "teachings" of these patents, if the Morris inner wrap was "replaced" with a McEachen bag openable at both ends, the outer bag of Morris would have to be openable at both ends. Otherwise, the accepted procedure would be used of placing the open ends of the inner and outer bags adjacent to each other, and the McEachen perforations would be superfluous. Thus, either the open ends would be adjacent to each other, or the closed end of the outer bag would also be openable. No disclosure or suggestion is seen for applicant's claimed invention where the initially open end of the preformed inner bag is placed adjacent to an unopenable end of the preformed outer bag. Consequently, it is believed that upon reconsideration the application should be found to be in condition for allowance.

If there are additional questions or objections concerning the application, it is respectfully requested that the Examiner telephone to the undersigned.

Respectfully submitted,

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